



January 26, 2009

Commissioner for Patents
United States Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: REFUNDS BRANCH

Dear Sir:

On December 17, 2008, we sent a credit card payment form along with a Request for Continued Examination (RCE) of \$405.00 for a small entity fee for application number 10/826,528 [copies attached]. Our Credit Card statement shows that we were charged \$515.00 on December 19, 2008 which included the RCE fee of \$405.00 as well as an extra claim fee of \$110.00.

However, on December 30, 2008, an Office communication [copy attached] was sent from Examiner Kille O. Blair, Art Unit 2814, indicating that such application was not eligible for a Request for Continued Examination.

Therefore, please refund our credit card in the amount of \$405.00 for the RCE fee. The Visa Card number is: [REDACTED] 2483.

If you have any questions, please contact us at (408) 903-9200 Ext. 103. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Douglass Thomas".

C. Douglass Thomas
Reg. No. 32,947

CDT/p
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT**

In re application of: CHEUNG et al.

Attorney Docket No.: IPVBP008

Application No.: 10/826,828

Examiner: BLAIR, KILE O.

Filed: April 15, 2004

Group: 2615

**Title: METHOD AND APPARATUS FOR
WIRELESS AUDIO DELIVERY****CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is transmitted via facsimile to: Commissioner for Patents, Alexandria, VA 22313-1450 on December 17, 2008.

Signed: Patricia Tate
Printed Name: Patricia Tate**REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 CFR §1.114)**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) of the above-identified application.

1. Submission required under 37 C.F.R. §1.114:

- a. Previously submitted
 - i. Consider the amendment/Reply under 37 C.F.R. §1.116 previously filed on _____. (Any unentered amendment referred to above will be entered.)
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
iii. Other _____.
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit/Declaration
 - iii. Information Disclosure Statement with Form PTO-1449
 Copies of IDS Citations
 - iv. Other _____.

Appl. No. 10/826,528

Atty. Docket No. IPVBP008

2. Fees: (The RCE fee is required at the time the RCE is filed.)

Fee Calculation (37 CFR §1.16)

Fee for Request for Continued Examination Under 37 C.F.R. §1.17(e)	\$810 =	\$810.00
TOTAL		
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)	\$405.00	\$405.00

- a. Applicant hereby petitions for a month extension of time.
- b. Applicant believes that no (additional) extension of time is required; however, if it is determined that such an extension is required, Applicant hereby petitions that such an extension be granted and authorizes the Director to charge the required fees for an extension of time under 37 CFR §1.136 to Deposit Account No. 50-3874 (Order No. IPVBP005).
- c. Enclosed is a Credit Card Payment Form for payment of the amount of \$405.00 to cover the small entity RCE fee.
- d. The Director is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-3874 (Order No. IPVBP005).

3. Please send correspondence to the following address:

Customer Number 34071

34071

IpVenture, Inc.
5180 El Camino Real, Suite A-23
Los Altos, CA 94022

Please direct any calls to (650) 903-9200

Date: December 17, 2008


C. Douglass Thomas
Registration No. 32,947

PTO-2038 (02-2003)

Approved for use through 02/28/2006, OMB 0631-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

United States Patent and Trademark Office**Credit Card Payment Form****Please Read Instructions before Completing this Form****Credit Card Information**

Credit Card Type:	<input checked="" type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input type="checkbox"/> American Express	<input type="checkbox"/> Discover
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Credit Card Account #: **██████████ 2463**Credit Card Expiration Date: **04/09**Name as It Appears on Credit Card: **IPVENTURE INC.**Payment Amount \$ (US Dollars): **405.00**Cardholder Signature: **C. A. [Signature]** Date: **December 17, 2008**

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21(m)).

Credit Card Billing AddressStreet Address 1: **5150 El Camino Real**Street Address 2: **Suite A-22**City: **Los Altos**State/Province: **CA**Zip/Postal Code: **94022**Country: **US**Daytime Phone #: **650-903-9200**Fax #: **650-903-9800****Request and Payment Information****Description of Request and Payment Information:****RCE Fee**

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. 10/826,528	Application No.	Application No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. IPVBP005		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

34071 12/30/2008

IPVENTURE, INC.
5150 EL CAMINO REAL
SUITE A-22
LOS ALTOS, CA 94022

Paper No.

Application No.:	10/826,528 	Date Mailed:	12/30/2008
First Named Inventor:	Cheung, Kwok, Wai	Examiner:	BLAIR, KILE O
Attorney Docket No.:	IPVBP005	Art Unit:	2614
Confirmation No.:	2161	Filing Date:	04/15/2004

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-80a (Rev.08-06)

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)	Application No. <u>10/828,628</u>	Applicant(s) <u>CHEUNG ET AL.</u>
	Art Unit 2600	Date Mailed: 12/30/2008

The request for continued examination (RCE) under 37 CFR 1.114 filed on 17 December, 2008 is improper for reason(s) indicated below:

1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

KATRINA HARLING, Technology Center 2600

Telephone Number: (571)272-7254

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032.
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number 10/826,528	Filing Date 04/18/2004	<input checked="" type="checkbox"/> To be Mailed	
APPLICATION AS FILED - PART I							
		(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>		OTHER THAN SMALL ENTITY	
FEE		NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEES (\$)	RATE (\$)	
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(d), (f), or (m))		N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(e), (f), or (g))		N/A	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(c))		minus 20 =	*	X \$ =		X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(i))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED - PART II							
		(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY
AMENDMENT	12/17/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total or new (37 CFR 1.16(l))	- 26	Minus	- 30	- 0	X \$28 =	0
Independent (37 CFR 1.16(m))	- 5	Minus	- 4	- 1	X \$110 =	110	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(i))							
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
		(Column 1)	(Column 2)	(Column 3)	RATE (\$)		ADDITIONAL FEE (\$)
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(l))	-	Minus	-	-	X \$ =	
Independent (37 CFR 1.16(m))	-	Minus	-	-	X \$ =		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(i))							
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Legal Instrument Examiner:
/KATRINA HARLING/

P.2
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DEC 17 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT**

In re application of: CHEUNG et al.

Attorney Docket No.: IPVBP005

Application No.: 10/826,528

Examiner: BLAIR, KILE O.

Filed: April 15, 2004

Group: 2615

**Title: METHOD AND APPARATUS FOR
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 - Copies of IDS Citations
 - iv. Other _____.

12/19/2008 NMARZI1 00000032 10826528

01 FC:2801 405.00 OP

Refund Ref:
01/30/2009

0030066126

Credit Card Refund Total: \$405.00
Appn. No. 10/826,528

Atty. Docket No. IPVBP005

PAGE 2311 RCV/DAT 12/17/2008 6:36:06 PM (Eastern Standard Time)* SVR:USPTO-EFXRF-5/22 * DNIS:2738300 * CSID:650 903 9800 * DURATION (mm:ss):04:54